IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

PTN UNDER CHRISTIAN MARRIAGE ACT. No 1 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KINJAL ASHOKKUMAR SHAH

Versus

ASHISH ELIAS CHRISTIAN

Appearance:

1. PTN UNDER CHRISTIAN MARRIAGE ACT. No. 1 of 2001
MR JOY MATHEW for Petitioner No. 1
PARTY-IN-PERSON for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 04/10/2002

ORAL JUDGEMENT

1. Petitioner - Kinjal Ashokkumar Shah has filed this petition for declaration that her marriage alleged to have been held on 9.7.1999 at Ahmedabad with

respondent Ashish Elias Christian be declared as null and void.

2. When this petition was placed for admission before my learned Brother K.R.Vyas, J. on 13.2.2001 on the averments made in the Petition, Notice was ordered to be issued to the respondent making it returnable on 20.3.2001. Thereafter, though the respondent was duly served nobody appeared on his behalf. Thereafter, my learned Brother C.K.Buch, J. admitted the petition. On 10.10.2001 Shri Rajesh Desai appeared for the respondent and the matter was kept on 19.10.2001. Thereafter, the respondent changed his Advocate and engaged learned Counsel Ms.Megha Jani. Thereafter the matter was adjourned from time to time and on 27.9.2002 Ms.Megha Jani made a statement before this Court that her client present respondent had already taken away the papers from her and she has been relieved as his lawyer from this matter. In that view of the matter the Office was directed to delete the name of Ms.Megha Jani for the respondent and place it on 4.10.2002 i.e. today before this Court after showing the appearance of respondent as party in person.

3. In the first sitting before recess when the matter was called out, for some or the other reason, the respondent Ashish was not present. Therefore, in absence of the respondent Shri Joy Mathew, learned Counsel appearing for the petitioner was heard for a considerable time and thereafter in the interest of justice the matter was kept after recess. Fortunately, after recess the respondent Shri Ashish personally remained present. He wanted to have a dialogue with the petitioner who was present before the Court with her parents and her maternal uncle Shri Rajesh Sheth. Considering the facts and circumstances of the case the request made by the respondent was granted and the matter was taken up in the Chamber. The respondent was permitted to have dialogue with the petitioner in presence of my Private Secretary Shri Shaikh and Bench Reader Shri Somani and the Advocate Shri Joy Mathew for the petitioner and the parents and relative of the petitioner were kept outside the chamber.

4. The respondent had dialogue with the petitioner for a considerable time and after ascertaining the wishes of the petitioner both the parties finally decided to part forever with an assurance to each other that in future nobody will be harassed by them through their relatives or any other persons and it will be considered as close chapter forever. It was also agreed by the respondent that he will not proceed further with the

Restitution of Conjugal Right Application No.1399 of 2000 filed by him before the learned Judge, Family Court, Ahmedabad. Similarly the petitioner, her parents and her maternal uncle also assure that they will not proceed further with their any complaint or any litigation filed against the respondent and the matter will be considered as close chapter.

5. In view of the above consensus arrived at between the parties there is hardly any need for this Court to pronounce that there was no conversion of the petitioner from Hinduism to Christianity and there was no valid marriage whichever took place between them on 9.7.1999. Even if it is there on paper then the same has to be declared as null and void. Accordingly, it is held that there was no conversion of the petitioner from Hinduism to Christianity and there was no real marriage took place between them on 9.7.1999 and if there is anything on paper that such marriage took place then the same is declared as null and void.

Accordingly, this petition is allowed with no order as to costs.

sd/-

Date : October 04, 2002 (B.J.Shethna, J.)

sas